

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: BAIR HUGGER FORCED AIR      MDL No.: 15-md-02666 (JNE/FLN)  
WARMING PRODUCT LIABILITY  
LITIGATION

This Document Relates To:

PAUL PICKETT,

Plaintiff,

Civil Action No.: 17-CV-02415-JNE-FLN

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**DECLARATION OF DONALD C. GREEN II IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Donald C. Green II, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Paul Pickett in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1068] filed on February 1, 2018.
3. Mr. Pickett contacted Kennedy Hodges, LLP in June of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Mr. Pickett's treatment were obtained by Kennedy Hodges through its third party medical records retrieval company. Those records indicated use of a Bair Hugger device during his original orthopedic surgery.

5. This case was filed on June 30, 2017 to comply with the statute of limitations deadline.
6. Numerous phone calls were placed to Mr. Pickett by staff at Kennedy Hodges in an attempt to reach him and obtain information to complete the Plaintiff Fact Sheet. These calls were placed between July 2017 and February 2018, prior to and continuing after the original deadline for submission of the Plaintiff Fact Sheet.
7. Additionally, several letters have been sent to Mr. Pickett since his case was filed, requesting that he contact our office to complete the Plaintiff Fact Sheet.
8. Based on information and belief, Mr. Pickett has not made any attempt to contact Kennedy Hodges in response to these phone calls and letters in order to provide the information necessary to complete the Plaintiff Fact Sheet, except for one brief phone call on November 2, 2017.
9. As we have been unable to obtain the additional information necessary to complete the Plaintiff Fact Sheet for this claim, we have not been able to cure the alleged deficiencies pertaining to the Plaintiff Fact Sheet that has been submitted for this case.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

February 8, 2018

/s/ Donald C. Green II  
Donald C. Green II